

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RICE KENDALL and ANN  
P. HOCHBERG, as Trustees for The  
Thomas E. Proctor Heirs Trust, and  
BANK OF AMERICA, N.A., and  
JOHN J. SLOCUM, JR., as Trustees for  
The Margaret O.F. Proctor Trust,

Plaintiffs.

v.

LANCASTER EXPLORATION &  
DEVELOPMENT COMPANY, LLC,

Defendants.

No. 4:17-CV-01117

(Judge Brann)

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of May 2018, in accordance with the  
Memorandum Opinion of this same date, **IT IS HEREBY ORDERED** that:

1. Defendant Lancaster Exploration and Development Company, LLC's  
Motion to Dismiss (ECF No. 10) is **DENIED**;
2. Defendant SWN Production Company, LLC's Motion to Dismiss (ECF No.  
18) is **DENIED**;
3. Defendants Chief Oil & Gas, LLC; Chief Exploration and Development,  
LLC ; Radler 2000 L.P.; Tug Hill Marcellus, LLC; and Enerplus Resources  
(USA) Corporation's Motion to Dismiss (ECF No. 19) is **DENIED**;

4. Plaintiffs the Trustees of the Thomas E. Proctor Heirs Trust and the Trustees of the Margaret O.F. Proctor Trust's Motion for Summary Judgment (ECF No. 30) is **GRANTED**.
5. A telephone status conference is scheduled for **June 7, 2018 at 3:00 p.m.**
  - a. Counsel for Plaintiff shall initiate the call to Chambers at 570-323-9772.
  - b. At the time the call is placed, all counsel shall be on the line and prepared to proceed.
  - c. The Court's preference is that counsel do not participate in telephone conference calls by cell phone.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge